

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

IN THE MATTER OF:) Order No. 93-19
)
THE CHARLESTON SITE) ADMINISTRATIVE ORDER
6274 E. Charleston Blvd) PURSUANT TO SECTION 106
Las Vegas, Nevada 89122) OF THE COMPREHENSIVE
Charleston Fogg, a Nevada Limited) ENVIRONMENTAL RESPONSE
Partnership) COMPENSATION AND
John Meyer, General Partner, East) LIABILITY ACT OF 1980
Charleston Fogg) as amended, 42 U.S.C.
Harold Gerecht, General Partner,) Section 9606(a)
East Charleston Fogg)
Julius Bonocchi)
RESPONDENTS)
_____)

PREAMBLE

1. This Administrative Order (Order) is issued on this date to the Respondents, pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (CERCLA), delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, further delegated to the EPA Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and further redelegated to the Director, Hazardous Waste Management Division by Region IX Delegations 1290.41 and 1290.42.

2. The State of Nevada has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

1 3. This Order requires the Respondents to undertake
2 and complete removal activities to abate an imminent and
3 substantial endangerment to the public health and welfare or the
4 environment that may be presented by the actual or threatened
5 release of hazardous substances.

6 FINDINGS OF FACT

7 Based on available information, including the Administrative
8 Record in this matter, U.S. EPA hereby finds:

9 4. Site Description/Location

10 Charleston Defense Reutilization Marketing
11 Services ("DRMS") is located at 6274 E. Charleston Boulevard, Las
12 Vegas, Nevada ("the Site"). This privately owned parcel of land
13 and buildings thereon are the subject of this Administrative
14 Order.

15 The Site is located in a residential setting,
16 with populated areas present to the west, northwest, east and
17 northeast. One residence is approximately 100 feet from the
18 Site. Charleston Boulevard runs along the entire southern
19 boundary of the Site. An asphalt company is located across
20 Charleston Boulevard and south of the Site.

21 Las Vegas is a diverse community of approximately
22 800,000 people. Located within a mile of the Site are El Dorado
23 High School and Winterwood Park. The Site is within the probable
24 habitat of the desert tortoise which is a listed endangered
25 species.

26 The Site, a fenced parcel of land approximately
27 300 feet by 300 feet, is a portion of a 10 acre parcel that
28 contains two small buildings, an office and assay lab. A well is
29 located in the northeast corner of the Site. Various trailers,
30 open pits, cement and asphalt pads are located in interior of the
31 grounds.

32 A considerable amount of junk and debris is
33 scattered throughout the Site. Piles of scrap metal, asbestos,
34 and hundreds of drums and containers containing hazardous waste
35 solids, liquids and sludges, pure products, and unknowns are
36 present on the Site. The condition of many of the drums and
37 containers range from good to poor. Of major concern are the
38 threats posed by the organochlorine pesticides (DDT), compressed
39 gas cylinders, and bulging drums of unknown contents.

40 Site security is inadequate. Though the Site is
41 fenced and the front gate is locked, children and other
42 individuals could easily climb over the fence. No warning signs
43 have been posted.

1 5. Respondents

2 The Charleston Site is located at 6274 E.
3 Charleston Boulevard, Las Vegas, Nevada. The Site was purchased
4 in the 1950s by Julius Bonocchi who operated an assay and salvage
5 business until 1979. In 1979, Charleston Fogg, a Nevada Limited
6 Partnership, purchased the Site and is the current owner. John
7 Meyer and Harold Gerecht are the General Partners of Charleston
8 Fogg.

9 Julius Bonocchi, Charleston Fogg, John Meyer and
10 Harold Gerecht are jointly referred to herein as Respondents.

11 6. Incident/Release Characteristics/ Prior Enforcement

12 In June 1992, potentially hazardous materials
13 were first reported to the Clark County Fire Department (CCFD)
14 after a portion of the property fence was destroyed by a roadway
15 construction crew. With the fence removed, the potentially
16 hazardous substances were seen by neighbors, passing motorists
17 and pedestrians. These concerns were reported to CCFD.

18 During July 1992, an assessment was conducted by
19 the CCFD. The following hazardous materials were found at the
20 Site: thirty-five (35) five-gallon containers labelled as "5%
21 DDT", five (5) five-gallon container labelled "chlordan", two
22 (2) 55-gallon drums of old "C-D" batteries, suspected piles of
23 friable asbestos, pallets of containers labelled as hydraulic
24 fluids, and lube oils and grease. CCFD issued an Inspection
25 Report to John Meyer and Harold Gerecht giving them thirty (30)
26 days to begin cleanup operations at the Site.

27 Meyer and Gerecht failed to comply with CCFD's
28 request. Nellis Air Force Base (NAFB) was also contacted by CCFD
29 as it was alleged that the former owner had purchased hazardous
30 materials from auctions held at NAFB.

31 In August 1992, the Nevada Department of
32 Environmental Protection (NDEP) was informed of the situation by
33 the CCFD. NDEP issued a Warning Letter to Charleston Fogg in
34 September 1992 directing them to submit a cleanup schedule by
35 September 30, 1992 and have all hazardous materials removed to an
36 authorized Treatment Storage Disposal (TSD) facility by November
37 30, 1992.

38 Charleston Fogg contracted with a local
39 environmental consultant to assess the materials on the Site. A
40 report was prepared that included options for the removal and
41 disposal of hazardous substances and site soils found to be
42 contaminated with DDT levels as high as 6954 mg/kg. The NDEP
43 concurred with the proposed workplan. However, efforts to
44 implement the plan were not taken by Charleston Fogg.

1 NDEP contacted the Defense Reutilization and
2 Marketing Office (DRMO) to solicit support in the cleanup
3 activities. This action was taken because several containers
4 were marked with U.S. Military labels. DRMS visited the Site in
5 March 1993 and after assessing the materials on Site, DRMO denied
6 any responsibility for further cleanup actions.

7 On April 29, 1993, NDEP contacted the United
8 States Environmental Protection Agency ("EPA") to request
9 assistance with future removal actions at the Site. On May 5,
10 1993, EPA's On-Scene Coordinator (OSC) and Technical Assistance
11 Team (TAT) conducted a preliminary assessment (PA) to determine
12 if there was a potential endangerment to the public health,
13 welfare, and environment. The PA concluded that the conditions
14 at the Site posed such an endangerment. An oral notice of
15 liability was give by the OSC to a representatives of Charleston
16 Fogg, DRMO, and NAFB. A Notice of Federal Interest was sent to
17 the above parties on June 23, 1993.

18 7. Quantities and Types of Substances Present

19 Over thirty (30) 5-gallon containers of dichloro-
20 diphenyl trichlorethane (DDT) were found on Site. The containers
21 are in severe stages of deterioration and some have spilled their
22 contents onto the ground. Soil samples have indicate
23 contamination in and near these containers.

24 There are numerous 5-gallon containers of
25 chlorinated cyclodiene (chlordan) in poor condition. Several
26 containers are bulging and could explode due to the extreme heat
27 in Las Vegas during the summer months.

28 At least six (6) bulging drums were found. None
29 had visible markings or labels. These drums pose a significant
30 threat as some are susceptible to rupturing due to the extreme
31 heat in Las Vegas.

32 At least sixteen (16) compressed gas cylinders
33 were found at the Site. The cylinders found during the PA were
34 identified by markings and labels as pre-1964. The contents of
35 the cylinders are unknown because there are neither content
36 markings or records to indicate what materials or substances may
37 be present.

38 There is evidence of potential soil contamination.
39 The soils are visibly stained and vegetation is stressed in
40 several areas where spills or dumping may have occurred. Leakage
41 from the drums stored throughout the Site has spilled onto the
42 ground contaminating the soils.

1
2 8. Threats to Public Health and Welfare

3 The substances and materials of concern are DDT,
4 chlordanes, compressed gas cylinders and bulging drums with
5 unknown contents.

6 DDT is an organochlorine pesticide. It is a
7 tasteless, odorless, white crystalline powder that is toxic to
8 humans by ingestion and skin absorption. DDT primarily affects
9 the peripheral nervous system and liver and is a suspected
10 carcinogen. EPA has currently restricted the use of DDT as it
11 has been found to threaten animals and humans at the higher end
12 of the food chain. DDT accumulates in tissues of animals greatly
13 inhibiting their reproductive ability.

14 Chlordanes is an organochlorine pesticide. It is a
15 clear, colorless, odorless liquid, usually stored in an inorganic
16 solvent. It is toxic to humans through inhalation, ingestion, or
17 skin and eye absorption. Chlordanes acts as a convulsant, and
18 also affects the liver, kidneys, skin, lungs, and central nervous
19 system. It is a possible human carcinogen.

20 The age, condition, and unknown nature of the
21 cylinders make them difficult to sample. Valves may not operate
22 and may rupture if opened or may not close if opened.
23 Identification of the contents is impossible without a rigorous
24 sampling procedure. Identification must be performed before
25 transportation and disposal efforts begin. A strong potential
26 exists for a fire or explosion because of the unknown contents
27 of the cylinders.

28 The bulging drums pose a significant danger to
29 cleanup personnel and the surrounding population. They are
30 unmarked and their contents is unknown. The bulging is a result
31 of a chemical reaction probably caused by low boiling levels of
32 the chemicals inside. These drums of volatiles have been exposed
33 to a very hot Las Vegas climate for a number of years,
34 encouraging chemical vapors to expand greatly, thereby
35 compromising their structural integrity. A strong potential
36 exists for rupture, which would precipitate a release of unknown
37 chemical vapors and liquids into the environment.

38 9. Threats to the Environment

39 There is evidence of potential soil contamination
40 at the Site. Soils are visibly stained and vegetation is
41 stressed in several areas where spills or dumping has apparently
42 occurred. Many of the drums are leaking and their contents have
43 spilled onto the ground contaminating the Site.

1 CONCLUSIONS OF LAW

2 Based on the foregoing Findings, U.S. EPA has concluded
3 that:

4 10. The Charleston DRMS, located at 6274 E. Charleston
5 Boulevard, Las Vegas, Nevada is a "facility" as defined by
6 Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).
7

8 11. Each named Respondent is a "person" as defined by
9 Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).
10

11 12. Respondents Charleston Fogg, a Nevada Limited
12 Partnership, is the current "owner" of the Site as defined by
13 Section 101(20) of CERCLA, 42 U.S.C. Section 9601(20).
14

15 13. Respondent Julius Bonocchi is a "former owner" of
16 the Site as defined by Section 101(20) of CERCLA, 42 U.S.C.
17 Section 9601(20)

18 14. Each Respondent is therefore a liable person under
19 Section 107(a) of CERCLA, 42 U.S.C. Section 9607.

20 15. Dichloro-diphenyl trichlorethane (DDT) and
21 chlorinated cyclodiene (chlordan) are "hazardous substances" as
22 defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14),
23 and Section 302.4 of the National Contingency Plan (NCP), 40 CFR
24 Part 300.

25 16. The presence of dichloro-diphenyl trichlorethane
26 (DDT) and chlorinated cyclodiene (chlordan) constitutes an
27 actual or threatened "release" as that term is defined in Section
28 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

29 DETERMINATIONS

30 Based on the above Findings of Fact and Conclusions of Law,
31 the Director, Hazardous Waste Management Division, EPA Region IX,
32 has made the following determinations:

33 17. The actual or threatened release of hazardous
34 substances from the Facility may present an imminent and
35 substantial endangerment to the public health, welfare, or the
36 environment.

37 18. The actions required by this Order, if properly
38 performed, are consistent with the National Contingency Plan
39 (NCP), 40 CFR Part 300 and CERCLA; and are appropriate to protect
40 the public health, welfare, or the environment.

1 19. The conditions present at the Site constitute a
2 threat to public health, welfare, or the environment based upon
3 consideration of the factors set forth in the NCP at 40 CFR
4 section 300.415(b). These factors include, but are not limited
5 to, the following:

6 a. Actual or potential exposure to hazardous substances
7 by nearby populations, animals, or food chain
8

9 This factor is present due to the potential for uncontrolled
10 reaction between highly incompatible and acutely toxic chemicals.
11 Large quantities of chlorinated pesticides in solvent solution in
12 deteriorating drums, compressed gas cylinders, bulging drums, and
13 hundreds of unknown compounds lie in close proximity to one
14 another. There is a significant risk of failure of the drums,
15 which could cause a subsequent release. A fire spreading to the
16 bulging drums and compressed gas cylinders could severely impact
17 the surrounding population. Heavy rain and windy conditions may
18 spread the DDT contaminated soils off the Site to adjacent
19 residences, walkways, and streets causing endangerment to both
20 human and animal life.

21 b. Actual or potential contamination of drinking water
22 supplies or sensitive ecosystems

23 Soil samples taken during the preliminary assessment
24 detected elevated DDT and chlordane contamination in surface
25 soils. There are numerous areas of visibly stained soils and
26 pits filled with debris. At present, the extent and magnitude of
27 soil contamination is unknown.

28 c. Hazardous substances in drums, barrels, tanks, or other
29 storage containers, that may pose a threat of release

30 This factor is present due to drums and containers that have
31 been stored on the Site for many years and are in very poor
32 condition. Several drums are bulging and others are so highly
33 corroded that failure is imminent. Hazardous substances include
34 organochlorine pesticides, compressed gases, and flammable
35 materials. A combination of these chemicals can generate a lethal,
36 poisonous release.

37 d. High levels of hazardous substances in soils largely at
38 or near the surface that may migrate

39 This factor is present due to the suspected contamination of
40 soil with DDT. This contamination could migrate to adjacent
41 properties or to groundwater.

1 e. Weather conditions that may cause hazardous substances
2 to migrate or be released
3

4 The property has barren soils virtually devoid of
5 vegetation. High winds, which are common in Las Vegas, could
6 disperse contaminants into adjacent populated areas. Rainfall
7 could percolate into the exposed soils causing the contaminants
8 to migrate to the groundwater. This contaminated runoff could
9 affect surrounding populated areas. The extreme heat of the Las
10 Vegas summer could cause a rupture of the bulging drums.
11

12 f. Threat of fire or explosion

13 A potential fire or explosion hazard exists due to the
14 bulging drums and compressed gas cylinders. There are also
15 suspected shock sensitive liquids and solids scattered throughout
16 the Site which could ignite the DDT and chlordane containers.
17

18 g. The unavailability of other appropriate Federal or
19 State response mechanisms to respond to the release

20 The State has informed the OSC that it is unable to conduct
21 Site stabilization or other response actions for the foreseeable
22 future.

23 ORDER

24 Based upon the foregoing Findings, Conclusions, and
25 Determinations, and pursuant to Section 106(a) of CERCLA, 42
26 U.S.C. Section 9606(a), it is hereby Ordered that the Respondents
27 undertake the following actions under the direction of EPA's On-
28 Scene Coordinator.

29 20. Within seven (7) days of issuance of this Order,
30 Respondents shall post warning signs at the Site.

31 21. The Respondents shall restrict access to the Site
32 and shall not allow any materials, equipment, or any other item
33 to be removed from the Site without prior EPA approval.

34 22. Within fourteen (14) calendar days after the
35 effective date of this Order, the Respondents shall submit to
36 U.S. EPA for approval, a Work Plan for the removal activities set
37 forth in Paragraph 25 below. The Work Plan shall provide a
38 concise description of the activities to be conducted to comply
39 with the requirements of this Order, and shall include a proposed
40 schedule for implementing and completing the activities. The
41 Work Plan shall be reviewed by U.S. EPA, which may approve,
42 disapprove, require revisions to, or modify the Work Plan.

1 The Respondents shall implement the Work Plan as finally approved
2 by U.S. EPA. Once approved, the Work Plan shall be deemed to be
3 incorporated into and made a fully enforceable part of this
4 Order.

5 23. The Work Plan shall contain a site safety and
6 health plan, a sampling and analysis plan, and a schedule of the
7 work to be performed. The site safety and health plan shall be
8 prepared in accordance with EPA's Standard Operating Safety
9 Guide, dated November, 1984, and updated July, 1988, and with the
10 Occupational Safety and Health Administration (OSHA) regulations
11 applicable to Hazardous Waste Operations and Emergency Response,
12 29 CFR Part 120.

13 24. The Respondents shall retain an environmental
14 contractor qualified to undertake and complete the requirements
15 of this Order, and shall notify U.S. EPA of the name of such
16 contractor within five (5) days of the effective date of this
17 Order. U.S. EPA retains the right to disapprove of any, or all,
18 of the contractors and/or subcontractors retained by the
19 Respondents. In the event U.S. EPA disapproves of a selected
20 contractor, the Respondents shall retain a different contractor
21 to perform the work, and such selection shall be made within five
22 (5) business days following U.S. EPA's disapproval.

23 25. Within three (3) calendar days after U.S. EPA
24 approval of the Work Plan, the Respondents shall commence
25 implementation of the Work Plan as approved or modified by U.S.
26 EPA. Failure of any Respondent to properly implement all
27 aspects of the Work Plan shall be deemed to be a violation of the
28 terms of this Order. The Work Plan shall require the Respondents
29 to perform, and complete within sixty (60) calendar days after
30 approval, at a minimum, the following removal activities:

- 31 a. All workers performing on-site work pursuant to the
32 Order shall be trained in hazardous waste handling.
- 33 b. Develop a Site Safety and Health Plan for on-site
34 personnel.
- 35 c. Post signs indicating that the Site contains hazardous
36 materials and substances.
- 37 d. Disconnect all power sources/lines and other utilities
38 to the area before allowing any work to commence.
- 39 e. EPA is advised that the U.S. Air Force will accept
40 certain substances and materials marked with Military
41 labelling for processing and disposal at Nellis Air
42 Force Base. Respondents are authorized to deliver to
43 Nellis Air Force Base such substances and materials as
44 the Air Force will accept. All substances and materials
45

delivered to the Air Force must be accompanied by a manifest signed by the Air Force. Respondents shall provide copies of all manifests to the OSC. For all other substances and materials the following requirements apply.

- f. Repackage, transport, and dispose of all DDT and chlordane containers at an approved TSD facility.
- g. Assess the physical and chemical properties of all compressed gas cylinders, and transport and dispose them in a manner consistent with all applicable state and federal laws.
- h. Sample, containerize, transport and dispose all bulging drums and containers.
- i. Locate and categorize by hazard all unknown solids and liquids located on the Site. Take a representative sample from each waste stream to an approved laboratory for confirmation. Transport and dispose of all waste streams at an approved TSD facilities. Solids include, but are not limited to, grey ash piles, yellow dust piles, containers of black carbon material, and containers of white crystalline solids.
- j. Locate and containerize all batteries. Transport and dispose at an approved TSD facility.
- k. Locate, package, transport and dispose all asbestos containing soils and solids at an approved TSD facility.
- l. Field screen all electrical components for presence of polychlorinated biphenyls (PCBs). Follow up with transportation and disposal of PCBs and soil sampling for PCBs if results are positive.
- m. Perform an investigation of possible soil contamination. Special emphasis on visibly stained soils, soils underlying the DDT and chlordane, the asbestos piles and all pits.
- n. Investigate possible groundwater contamination from an existing Site well by inspection and sampling.
- o. Perform assessment of the "Assay Office" for possible metal, cyanide and reactive compounds. One shelf contains a crystallized white substance that may be shock sensitive.

1 26. The Respondents shall provide EPA with written
2 weekly reports. These reports should contain a summary of the
3 previous week's activities and planned up-coming activities.
4

5 27. Respondents shall inform EPA at least forty-eight
6 (48) hours prior to commencement of on-Site work.

7 28. All sampling and analysis shall be consistent with
8 the "Quality Assurance/Quality Control Guidance for Removal
9 Activities": "Sampling QA/QC Plan and Data Validation
10 Procedures," EPA OSWER Directive 9360.4-01, dated April, 1990.

11 29. Any hazardous substance, pollutant, or contaminant
12 transferred off-Site as a result of this Order must be taken to
13 Nellis Air Force Base or to a facility acceptable under the EPA
14 Off-Site Policy (OSWER Directive 9834.11, November 13, 1987) in
15 accordance with CERCLA Section 121(d)(3), 42 U.S.C. §9621(d)(3),
16 the Resources Conservation and Recovery Act of 1976 (RCRA), 42
17 U.S.C. Section 9601, et seq., as amended, and all other
18 applicable Federal, State, and local requirements.

19 30. On or before the effective date of this Order, the
20 Respondents shall designate a Project Coordinator. To the
21 greatest extent possible, the Project Coordinator shall be
22 present on site or readily available during site work. The U.S.
23 EPA has designated Richard Martyn as its On-Scene Coordinator.
24 The On-Scene Coordinator and the Project Coordinator shall be
25 responsible for overseeing the implementation of this Order. To
26 the maximum extent possible, communication between the
27 Respondents and the U.S. EPA, and all documents, reports, and
28 approvals, and all other correspondence concerning the activities
29 relevant to this Order, shall be directed through the On-Scene
30 Coordinator and the Project Coordinator.

31 31. The U.S. EPA and the Respondents shall each have
32 the right to change their respective designated On-Scene
33 Coordinator or Project Coordinator. U.S. EPA shall notify the
34 Respondents, and Respondents shall notify U.S. EPA, as early as
35 possible before such a change is made, but in no case less than
36 24 hours before such a change. Notification may initially be
37 verbal, but shall promptly be reduced to writing.

38 32. The U.S. EPA On-Scene Coordinator shall have the
39 authority vested in an On-Scene Coordinator by the NCP, 40 CFR
40 Part 300, as amended, including the authority to halt, conduct,
41 or direct any work required by this Order, or to direct any other
42 response action undertaken by U.S. EPA or the Respondents at the
43 facility.

1 33. No extensions to the above time frames shall be
2 granted without sufficient cause. All extensions must be
3 requested in writing, and shall not be deemed accepted unless
4 approved in writing, by U.S. EPA.

5 34. All instructions by the U.S. EPA On-Scene
6 Coordinator or his designated alternate shall be binding upon the
7 Respondents as long as those instructions are not clearly
8 inconsistent with the National Contingency Plan.

9 35. To the extent that the Site, or other areas where
10 work under this Order is to be performed is owned by, or in
11 possession of, someone other than the Respondents, the
12 Respondents shall obtain all necessary access agreements. In
13 the event that after using their best efforts any Respondent is
14 unable to obtain such agreements, the Respondent shall
15 immediately notify U.S. EPA.

16 36. The Respondents shall provide access to the Site
17 to U.S. EPA employees, contractors, agents, and consultants at
18 reasonable times, and shall permit such persons to be present and
19 move freely in the area in order to conduct inspections,
20 including taking photographs and videotapes of the Site, to do
21 cleanup/stabilization work, to take samples to monitor the work
22 under this Order, and to conduct other activities which the U.S.
23 EPA determines to be necessary.

24 37. Nothing contained herein shall be construed to
25 prevent U.S. EPA from seeking legal or equitable relief to
26 enforce the terms of this Order, or from taking other legal or
27 equitable action as it deems appropriate and necessary, or from
28 requiring the Respondents in the future to perform additional
29 activities pursuant to CERCLA, 42 U.S.C. Section 9601, et seq.,
30 or any other applicable law.

31 38. The provisions of this Order and the directions of
32 the On-Scene Coordinator shall be binding on the employees,
33 agents, successors, and assigns of the Respondents.

34 39. Except where this Order specifically provides
35 otherwise, its obligations shall be effective five (5) calendar
36 days following issuance unless a conference is requested as
37 provided below. If a conference is requested, this Order shall
38 be effective on the fifth (5) calendar day following the day
39 of the conference unless modified in writing by U.S. EPA.

40 40. On or before five (5) calendar days after the
41 effective date of this Order, the Respondents shall provide
42 notice, verbally or in writing, to U.S. EPA stating their
43 intention to comply with the terms of this Order. Verbal
44 notification must be followed in writing within five (5) calendar

1 days. In the event any Respondent fails to provide such notice,
2 that Respondent shall be deemed not to have complied with the
3 terms of this Order.

4 41. The Respondents shall retain copies of all records
5 and files relating to hazardous substances found on the site for
6 six (6) years following completion of the activities required by
7 this Order and shall make them available to the U.S. EPA prior to
8 the termination of the removal activities under this Order.

9 42. The Respondents shall submit a final report
10 summarizing the actions taken to comply with this Order. The
11 report shall contain, at a minimum: identification of the
12 facility, a description of the locations and types of hazardous
13 substances encountered at the facility upon the initiation of
14 work performed under this Order, a chronology and description of
15 the actions performed, a discussion of how all problems were
16 resolved, a listing of quantities and types of materials removed
17 from the facility, a discussion of removal and disposal options
18 considered for any such materials, a listing of the ultimate
19 destination of those materials, and a presentation of the
20 analytical results of all sampling and analysis performed and
21 accompanying appendices containing all relevant paperwork
22 prepared during the action (e.g., manifests, invoices, bills,
23 contracts, permits). The final report shall also include an
24 affidavit from a person who supervised or directed the
25 preparation of that report. The affidavit shall certify under
26 penalty of law that based on personal knowledge and appropriate
27 inquiries of all other persons involved in preparation of the
28 report, the information submitted is true, accurate, and complete
29 to the best of the affiant's knowledge and belief. The report
30 shall be submitted within thirty (30) days of completion of the
31 work required by this Order.

32 43. All notices, reports, and requests for extensions
33 submitted under the terms of this Order shall be sent by
34 certified mail, return receipt requested, and addressed to the
35 following:

36
37 one copy to: Richard Martyn
38 On-Scene Coordinator (H-8-3)
39 U.S. EPA
40 75 Hawthorne Street
41 San Francisco, CA 94105
42 (415) 744-2288

43
44 one copy to: Gavin McCabe
45 Assistant Regional Counsel (RC-3-2)
46 U.S. EPA
47 75 Hawthorne Street
48 San Francisco, CA 94105
49 (415) 744-1334

1 44. If any provision of this Order is deemed invalid
2 or unenforceable, the balance of this Order shall remain in full
3 force and effect.

4 ACCESS TO ADMINISTRATIVE RECORD

5 45. The Administrative Record supporting the selection
6 of the response action for this site is available for review on
7 normal business days between the hours of 9:00 a.m. and 5:00 p.m.
8 in the Office of Regional Counsel, United States Environmental
9 Protection Agency, Region IX, 75 Hawthorne Street, 16th Floor,
10 San Francisco, California. Please contact Gavin McCabe,
11 Assistant Regional Counsel, at (415) 744-1334 to review the
12 Administrative Record.

13 OPPORTUNITY TO CONFER

14 46. With respect to the actions required above, the
15 Respondents may within three (3) calendar days after issuance of
16 this Order, request a conference with the U.S. EPA. Any such
17 conference shall be held within three (3) calendar days from the
18 date of request unless extended by mutual agreement of the
19 parties. At any conference held pursuant to the request, the
20 Respondents may appear in person, or by telephone, or be
21 represented by an attorney or other representative. If any
22 Respondent desires such a conference, the Respondent shall
23 contact David Silverman, Assistant Regional Counsel, at (415)
24 744-1377.

25 47. If such a conference is held, the Respondents may
26 present any evidence, arguments or comment regarding this Order,
27 its applicability, any factual determinations upon which the
28 Order is based, the appropriateness of any action which the
29 Respondents are ordered to take, or any other relevant and
30 material issue. Any such evidence, arguments or comments should
31 be reduced to writing and submitted to U.S. EPA within three (3)
32 calendar days following the conference. If no conference is
33 requested, any such evidence, arguments or comments must be
34 submitted in writing within three (3) calendar days following the
35 effective date of this Order.

36 48. The Respondents are hereby notified that U.S. EPA
37 will take any action which may be necessary in the determination
38 of U.S. EPA for the protection of public health and welfare and
39 the environment, and Respondents may be liable under Section
40 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the costs of
41 those government actions.

1 PENALTIES FOR NONCOMPLIANCE

2 49. The Respondents are advised pursuant to Section
3 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful
4 violation or subsequent failure or refusal to comply with this
5 Order, or any portion thereof, may subject each noncomplying
6 Respondents to a civil penalty of up to \$25,000 per day for each
7 day in which such violation occurs, or such failure to comply
8 continues. Failure to comply with this Order, or any portion
9 thereof, without sufficient cause may also subject the
10 Respondents to liability for punitive damages in an amount three
11 times the amount of any cost incurred by the government as a
12 result of the failure of the Respondents to take proper action,
13 pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section
14 9607(c)(3).

15 COMPLIANCE WITH OTHER LAWS

16 50. The Respondents shall comply with all applicable
17 federal, state, and local laws and regulations in carrying out
18 the terms of this Order. As indicated above, all hazardous
19 substances removed from the Site must be handled in accordance
20 with the Resource Conservation and Recovery Act of 1976, 42
21 U.S.C. Section 6921, et seq., the regulations promulgated under
22 that Act, and Section 121(d)(3) of CERCLA, 42 U.S.C. Section
23 9621(d)(3).
24

ENDANGERMENT DURING IMPLEMENTATION

25 51. The Director, Hazardous Waste Management Division,
26 EPA Region IX, may determine that acts or circumstances (whether
27 related to or unrelated to this Order) may endanger human health,
28 welfare, or the environment, and as a result of this
29 determination, may order the Respondents to stop further
30 implementation of this Order until the endangerment is abated.

31 GOVERNMENT NOT LIABLE

32 52. The United States Government and its employees and
33 other representatives shall not be liable for any injuries or
34 damages to persons or property resulting from the acts or
35 omissions of the Respondents, their employees, contractors, or
36 other representatives caused by carrying out this Order. The
37 United States Government is not a party to any contract with the
38 Respondents.

1 THIS ORDER IS ISSUED on this 30th day of June, 199³7.
2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

3 By: Keith Takata
4 Jeff Zelikson, Director
5 ~~for~~ Hazardous Waste Management Division
6 Region IX
7

Contacts:

Richard Martyn
On Scene Coordinator
Emergency Response Section (H-8-3)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2288

John P. Jaros
Investigations and Enforcement
Emergency Response Section (H-8-4)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2298

Gavin McCabe
Assistant Regional Counsel (RC-3-4)
Office of Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1334

David Silverman
Assistant Regional Counsel (RC-3-1)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1377



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

CERTIFIED MAIL - See attached list
RETURN RECEIPT REQUESTED

To: Addressees

Re: Order No. 93-19 pursuant to 42 U.S.C. Section 9606

Dear Addressees:

The enclosed Order is issued by the United States Environmental Protection Agency, pursuant to Section 106 of CERCLA, 42 U.S.C. Section 9606, to prevent or mitigate immediate and significant risk of harm to human health and the environment. The Order requires all of you to take immediate actions to contain and prevent the release or potential release of hazardous substances at the Charleston site located at 6274 E. Charleston Boulevard, Las Vegas, Nevada ("the Site").

If EPA is unable to reach an agreement with you regarding your performance of the removal activities specified in the Order, EPA will conduct these removal actions itself and as a potentially responsible party you may be liable for all the Agency's incurred costs.

EPA requests that the Defense Reutilization Marketing Office and Nellis Air Force Base continue to work with the Charleston Fogg group by providing assistance to cleanup activities at the Site. It is our understanding that all materials and substances labelled and marked as U.S. Military and identified as such by DRMO and the U.S. Air Force, will be delivered to Nellis Air Force Base for treatment and disposal.

If you have any technical questions regarding the Order, please contact Richard Martyn at (415) 744-2288. Legal questions, may be directed to David Silverman at (415) 744-1377.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Zelikson".

for Jeff Zelikson, Director
Hazardous Waste Management Division

Enclosure

cc: Larry Lawton, Regional Counsel, U.S. Air Force
Jerry Hamilton, Counsel, Defense Logistics Agency
Brenda Pohlmann, Nevada Department Environmental Protection

The attached Unilateral Administrative Order has been delivered to the following addressees:

1. John Meyer P 243 065 034
1717 Helm Drive
Las Vegas, Nevada 89119
2. Harold and Susan Gerecht P 243 065 037
C/O Sunshine Realty
6380 S. Eastern Avenue #8
Las Vegas, Nevada 89119
3. Julius Bonnochi P 243 065 036
400 Mona Lane, space 36
Henderson, Nevada 89101



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, Ca. 94105-3901

CERTIFIED MAIL - See attached list
RETURN RECEIPT REQUESTED

To: Addressees

Re: Order No. 93-19 pursuant to 42 U.S.C. Section 9606

Dear Addressees:

The enclosed Order is issued by the United States Environmental Protection Agency, pursuant to Section 106 of CERCLA, 42 U.S.C. Section 9606, to prevent or mitigate immediate and significant risk of harm to human health and the environment. The Order requires all of you to take immediate actions to contain and prevent the release or potential release of hazardous substances at the Charleston site located at 6274 E. Charleston Boulevard, Las Vegas, Nevada ("the Site").

If EPA is unable to reach an agreement with you regarding your performance of the removal activities specified in the Order, EPA will conduct these removal actions itself and as a potentially responsible party you may be liable for all the Agency's incurred costs.

EPA requests that the Defense Reutilization Marketing Office and Nellis Air Force Base continue to work with the Charleston Fogg group by providing assistance to cleanup activities at the Site. It is our understanding that all materials and substances labelled and marked as U.S. Military and identified as such by DRMO and the U.S. Air Force, will be delivered to Nellis Air Force Base for treatment and disposal.

If you have any technical questions regarding the Order, please contact Richard Martyn at (415) 744-2288. Legal questions, may be directed to David Silverman at (415) 744-1377.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Zelikson".

JW Jeff Zelikson, Director
Hazardous Waste Management Division

Enclosure

cc: Larry Lawton, Regional Counsel, U.S. Air Force
Jerry Hamilton, Counsel, Defense Logistics Agency
Brenda Pohlmann, Nevada Department Environmental Protection

The attached Unilateral Administrative Order has been delivered to the following addressees:

1. John Meyer P 243 065 034
1717 Helm Drive
Las Vegas, Nevada 89119
2. Harold and Susan Gerecht P 243 065 037
C/O Sunshine Realty
6380 S. Eastern Avenue #8
Las Vegas, Nevada 89119
3. Julius Bonnochi P 243 065 036
400 Mona Lane, space 36
Henderson, Nevada 89101